



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,083	09/09/2003	Simon Delagrave	20446-002001 / BTS0001-10	2730
26161	7590	07/03/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			STEELE, AMBER D	
			ART UNIT	PAPER NUMBER
			1639	

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

10/6591083

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT

PAPER

20060614

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Application No: 10/659,083

Art Unit: 1639

1) The Applicants' response filed on 04/20/2006 is acknowledged and entered. Applicants elected Group I (claims 1-12) with traverse, and elected with traverse the following species: countering the development of resistance in a parent target to a parent neutralizing agent for the species of what is being countered, desired neutralizing profile as the species of outcome of repeating, protein as the species of neutralizing agent, and antigen as the species of target. However, applicants failed to elect a species of diversifying because "diversifying relates to the parent neutralizing agent and the parent target and these have been elected as above, the species of diversifying is thus necessarily already elected". The traversals will be addressed in the first Office Action on the merit.

2) The species election is incomplete because applicant did not elect a single specific species of diversifying as required. While the examiner agrees that diversifying relates to the parent neutralizing agent and the parent target, the election of antigen and protein as the target and neutralizing agent respectively does not provide information on the specific method of diversifying. Please refer to claim 2. Therefore, a specific species of diversifying was not provided. Thus, the species election is incomplete and not fully responsive.

3) Since the above-mentioned reply appears to be a bona fide attempt, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amder D. Steele whose telephone number is 571-272-5538. The examiner can normally be reached Monday through Friday from 9:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Paras can be reached at 571-272-4517. The fax number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ADS

June 14, 2006

**PETER PARAS, JR.
PRIMARY EXAMINER**
SP1639